



## San Martin Neighborhood Alliance

*"Together We Make A Difference"*

November 26, 2007

Neelima Palacherla, Executive Officer  
Local Agency Formation Commission  
70 West Hedding Avenue  
11th Floor, East Wing  
San Jose, California 95110

RE: Proposed Incorporation of the Town of San Martin

Dear Neelima:

We have reviewed the Proposed Incorporation of the Town of San Martin: Initial Study and Proposed Negative Declaration and have the following comments.

**Notice of Intent to Adopt a Negative Declaration:**

We concur that the proposed project could not have a significant effect on the environment.

We would appreciate Local Agency Formation Commission (LAFCO) forwarding any other comments received on the Initial Study and Proposed Negative Declaration to San Martin Neighborhood Alliance (SMNA) to the proponents as soon as they are received by LAFCO so that we can review them in advance of the December 5, 2007 Public Hearing.

There is no Public Hearing date set for LAFCO Adoption of the Negative Declaration (probably April 2008 according to Page 10 of the Initial Study) and we would like to know why it will take so long to adopt the Negative Declaration.

**Initial Study and Proposed Negative Declaration:**

Page 4 -- It states that the LAFCO proposed boundaries will be available in advance of the December 5, 2007 meeting. We would appreciate your providing this information to the proponents by November 28, 2007, so that we can respond at the December 5, 2007 Public Hearing.

Page 6 -- The "Exhibit 2-1" label does not appear when the figure is printed out. The same thing happens with other figures, e.g., "Exhibit 2-2".

Neelima Palacherla, Executive Officer, LAFCO

November 26, 2007

Page 2

Page 7 – The South County/San Martin Airport should be added to Table 2.1.

Page 60 – Public Services. A discussion of the South County/San Martin Airport should be added.

Page 61 – Parks and Recreation. It says the new Town will become responsible for park and recreation services. This is confusing and should say the Town will become responsible for “any other” park and recreation services in the Town. The third sentence should become the second sentence to avoid confusion.

Please call me at 408-529-2300 or email [rvantrood@mindspring.com](mailto:rvantrood@mindspring.com) if you have any questions or require additional information.

Sincerely,

SAN MARTIN NEIGHBORHOOD ALLIANCE



Richard van't Rood

Chairman, SMNA Incorporation Committee

RVR/djk

cc: Sylvia Hamilton  
Freddi Comperchio  
Cleo Logan  
Pete Keesling



STEVE TATE  
Mayor

17555 Peak Avenue  
Morgan Hill, CA 95037-4128  
TEL: 408-779-7271  
FAX: 408-779-3117  
www.morganhill.ca.gov

*Kathy M.P.*

December 4, 2007

Blanca Alvarado, Chair  
Local Agency Formation Commission  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

PLANNING DEPT.

DEC 04 2007

CITY OF MORGAN HILL

Subject: Item 8 of the December 5, 2007 LAFCO Meeting Agenda: Proposed  
Incorporation of the Town of San Martin

Dear Chairperson Alvarado and LAFCO Commissioners:

I am writing on behalf of the Morgan Hill City Council regarding the proposed boundaries for the possible incorporation of the Town of San Martin and the Negative Declaration prepared for that incorporation. It is important to note that Morgan Hill does not oppose incorporation of San Martin. Our questions and concerns address only the proposed boundaries for the Town and the sequencing of the determination of those boundaries and the environmental assessment for the proposed incorporation. The attached memorandum from Morgan Hill staff to the City Manager provides additional details regarding our questions and concerns.

The Negative Declaration for the proposed incorporation assumes that the sphere of influence, urban service area and city limits for the proposed town will be coterminous, including all the land between the Morgan Hill and Gilroy spheres of influence. The Negative Declaration also acknowledges that LAFCO may modify the proposed boundaries to be consistent with its policies and state mandate. If the boundaries are not modified, the proposal would be inconsistent with a number of LAFCO, City and County policies. These inconsistencies are not addressed in the Negative Declaration and the possible impacts not evaluated. Morgan Hill is unsure why these inconsistencies have not been addressed or, if it is the intent of LAFCO to modify the proposed boundaries, why the modified boundaries have not been identified and evaluated in the environmental document.

Earlier this year, LAFCO adopted Agricultural Mitigation Policies, indicating that those policies will be applied to all future city requests for expansion of urban service boundaries. As described in the Negative Declaration, the proposed incorporation of San Martin and establishment of an urban service area for it will include a significant amount of prime agricultural land. The Negative Declaration indicates that mitigation for the loss

Blanca Alvarado  
December 4, 2007  
Page 2 of 2

of agricultural land is not necessary because no change in zoning is anticipated by the incorporation proponents. However, that document also recognizes the possibility of future land use changes by the San Martin City Council. Morgan Hill is unsure why LAFCO would include agricultural land within the proposed city limits, knowing that it could be converted to more urban use in the future and not apply its Agricultural Mitigation Policies. While it may be that the Town of San Martin plans to retain agricultural zoning well into the future as its "greenbelt," this is not made clear by the project description and inclusion in the urban service area would seem unnecessary.

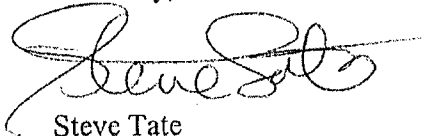
It is possible that some or all of Morgan Hill's concerns and questions may be resolved by the establishment of boundaries for the new town that include less land than is recommended by the incorporation proponents. Should the boundaries approved by LAFCO exclude agricultural lands and be located so as to be consistent with LAFCO Incorporation Policies and Boundary Location Policies, Morgan Hill could support adoption of the Negative Declaration. However, since the Negative Declaration assumes that all unincorporated land between the Morgan Hill and Gilroy spheres of influence will be incorporated, we feel it important to question the consistency of the proposed incorporation with LAFCO, Morgan Hill and County plans and policies.

Morgan Hill respectfully requests LAFCO not adopt the negative declaration until such time as it determines the appropriate location for the sphere of influence, urban service area and city limits for the proposed town. Once that determination is made, we request that the environmental assessment be amended to address the consistency of those boundaries with LAFCO and other agencies policies, and require appropriate mitigation.

If you have any questions about our questions and concerns, please feel free to contact me at 408/779-7259 or our Community Development Director, Kathy Molloy Previsich at 408/779-7247.

Thank you for your consideration of our comments.

Sincerely,



Steve Tate  
Mayor

C:           Morgan Hill City Council  
              Ed Tewes, City Manager  
              The Honorable Al Pinheiro, City of Gilroy

Attachment: Memo to City Manager regarding Negative Declaration for  
San Martin Incorporation



## Memorandum

**Date:** November 28, 2007  
**To:** City Manager  
**From:** Community Development Department  
**Subject:** Draft Negative Declaration for San Martin Incorporation

LAFCO has referred to the City for review and comment a copy of the negative declaration proposed to be adopted for the possible incorporation. This memo provides an overview of the proposed incorporation, negative declaration, and policies relevant to that document. Overall it appears that adoption of a negative declaration for the incorporation is premature as the boundaries for the proposed city have not been established. Without knowing the location of those boundaries, it is not possible to determine the consistency of the incorporation with LAFCO, City and County land use policies and the environmental impacts that might result from those possible inconsistencies.

### INCORPORATION PROPOSAL

The proponents have identified their primary objectives of incorporation to include the following:

- a locally accountable governing body,
- local control of land use, planning and other governmental activities,
- maintenance of the rural residential character and small-scale agricultural activities of the area,
- maintenance of existing public services and service levels.

It is anticipated that most services to the new city would be provided under contract (potentially to Santa Clara County). There are several water districts serving portions of San Martin. The Lions Gate Community Services District provides sewer and water service to the Corde Valle development. The proposal for incorporation indicates that expansion of the area served by those providers is not anticipated.

The proponents have defined the boundaries of the proposed city to include all of the land on the valley floor that is not included within the spheres of influence of Gilroy or Morgan Hill. In addition, the boundaries would include much of the hillside lands on the west side of the valley extending to Watsonville Road. This hillside land includes Hayes Valley Estates, Corde Valle, Clos la Chance winery and other adjacent and nearby properties. The County General Plan and Zoning Ordinance are proposed to be adopted, at least initially, to govern land use matters in the new city. Most of the land proposed for incorporation is designated by the County General Plan for rural residential, agriculture, public and hillside uses.

The Negative Declaration indicates that the incorporation proposal includes the establishment of the sphere of influence and urban service area. It assumes that these boundaries will be coterminous with the city limits but recognizes LAFCO may identify alternative boundaries for consistency with its "mandate to encourage the orderly formation of local agencies, encourage the efficient provision of

services, discourage urban sprawl, and to preserve agricultural and open space resources.” LAFCO approval of the proposed incorporation, as drafted or in modified form, is required for the proposal is put before the voters of the area.

### **NEGATIVE DECLARATION**

The Santa Clara County LAFCO has prepared the environmental assessment for the proposed incorporation. That assessment is consistent with the proponents’ project description that would maintain the status quo for the area. The assessment recognizes that, upon incorporation, it is possible for legislative changes to be made by the new city council that would change the status quo and result in possible environmental impacts. However, the document indicates that it would be premature and speculative to try to predict future city council actions. As a result, the environmental assessment has found no significant impacts that would result from incorporation.

Staff recognizes and agrees that it would be speculative and premature to try to predict future actions of a new city council and that, for the most part, incorporation would have few immediate environmental effects. However, one of the environmental factors addressed in the negative declaration is reasonably foreseeable land use and whether the proposed incorporation would be consistent with applicable plans and policies. The negative declaration indicates that with adoption of the County General Plan and Zoning Ordinance by the new city, no land use impacts would result. The negative declaration does not address consistency with LAFCO policies. Staff believes the proposal is inconsistent with several City, County and LAFCO policies as identified below and that mitigation may be required in order to comply with those policies.

### **City and County General Plan Policies Relevant to the Proposed Incorporation**

The County General Plan policies recognize San Martin as a distinct area with rural characteristics (Policy R-LU 114). The General Plan defines the boundaries of the San Martin area to include all of the valley floor land between the Morgan Hill and Gilroy spheres of influence. The County General Plan does not include any of the hillside lands on the east or west sides of the valley within the San Martin area (Policy R-LU 113). As mentioned above, the proposed limits of incorporation include a significant area of hillside land to the west of the valley floor and are therefore inconsistent with this County policy.

The South County Joint Area Plan policies that were adopted by the County and Morgan Hill call for the establishment of a greenbelt between Morgan Hill and San Martin (Policy SC 17.9). This policy is also included in the Open Space and Conservation Element of the Morgan Hill General Plan (Policy 2b). Whereas it may be possible to create a greenbelt within the incorporated limits of the new city, the incorporation also may allow for the provision of urban services some time in the future. Incorporation of the northern, agriculturally zoned portion of the San Martin area and the potential for the provision of urban services to it may be inconsistent with the goal to create a greenbelt between the two communities.

### LAFCO Policies Relevant to the Proposed Incorporation

LAFCO has adopted policies regarding incorporations, spheres of influence, urban service areas, and agricultural mitigation, all of which are relevant to the proposed incorporation. The proposed incorporation is consistent with most of those policies. However, the incorporation appears to be inconsistent with the three Incorporation policies and Agricultural Mitigation policies identified below. In addition, without knowing the location of the sphere of influence and urban service area it is not possible to determine consistency with LAFCO policies on these topics and the possible need for mitigation.

#### Incorporation Policies:

Policy 3.e. reads as follows: "An area proposed for incorporation must be compact and contiguous, and possess a community identity." The area proposed for incorporation includes all of the land between the Morgan Hill and Gilroy spheres of influence. This area likely has a "community identity" as it is all has a San Martin address. However, it does not appear to be a "compact" area.

Policy 3.f. reads as follows: "The proposal boundaries and alternatives shall not create islands or areas that would be difficult to serve." The proposed incorporation boundaries would create an unincorporated island bounded by Santa Teresa Blvd. on the west, California Ave. on the south and the city limits of Morgan Hill and San Martin on the north and east, respectively.

Policy 3.h. reads as follows: "Inclusion of agricultural and open space lands within the boundaries of a proposed city is discouraged." The portion of the proposed incorporation that is north of Middle Ave. is planned and zoned for agricultural use. In addition, the area proposed for incorporation that is located on both sides of Santa Teresa Blvd. south of Highland Ave. is in active agricultural use. Inclusion of these areas within the new city would appear to be inconsistent with this policy.

#### Boundary Location Policies:

The negative declaration indicates that the project includes the establishment of a sphere of influence and urban service area for the proposed city. In that document it is assumed the sphere of influence and urban service area will be coterminous with the city limits. The negative declaration recognizes that "LAFCO is required to consider alternative boundaries and is empowered to modify boundaries in its review of proposals." It is not known at this time whether alternative boundaries will be adopted by LAFCO.

Sphere of Influence Policy A.2.b. indicates that spheres of influences shall be used "to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands and efficient provision of services." If the corporate limits of the proposed city remain at the Morgan Hill and Gilroy spheres of influence, the sphere of influence for the city would, of necessity, be coterminous with those new city limits. This situation would preempt LAFCO's ability to exercise it's responsibilities under this policy.

Urban Service Area Policy A.1. indicates that "review and amendment of urban service area boundaries is the Commission's primary vehicle for encouraging orderly city growth." If the urban service area is coterminous with the proposed city limits (at the Morgan Hill and Gilroy spheres of influence) as indicated in the negative declaration, it would be difficult for LAFCO to exercise its responsibilities under this policy to encourage orderly city growth.

#### Agricultural Mitigation Policies:

Earlier this year, LAFCO adopted Agricultural Mitigation Policies. The preamble to those policies indicates that it is LAFCO's policy to "discourage premature conversion of agricultural lands, guide development away from existing agricultural lands and require the development of existing vacant lands within city boundaries prior to conversion of additional agricultural lands." General Policy 1 "recommends provision of agricultural mitigation as specified herein for all LAFCO applications that impact or result in a loss of prime agricultural lands..." The negative declaration presumes that the urban service area for the proposed city would be coterminous with the city limits and include all land between the Morgan Hill and Gilroy spheres of influence. If this is the case, significant amounts of prime agricultural land would be included within the urban service area. The negative declaration does not address the consistency of this potential location for the urban service area or the need for mitigation.

#### CONCLUSION

The negative declaration indicates that LAFCO will consider, as part of the incorporation request, alternative boundaries for the proposed city. Presumably this will occur some time after adoption of the negative declaration. Staff believes it is critical for the city limits, urban service area and sphere of influence boundaries to be established prior to completion of the environmental assessment and adoption of the negative declaration. Without knowing the location of these boundaries, it is not possible to determine the consistency of the proposal with LAFCO policies. In addition, it is not possible to make a finding of less than significant impacts for land use and agricultural lands in the environmental assessment.

The location of the sphere of influence, urban service area and city limits of the proposed city are critical. It is recognized that the proponents of incorporation have expressed intent to maintain the rural residential character and small-scale agricultural activities of the area. Should this be the case over the long term and County land use plans and zoning remain in effect, LAFCO's role in the area may be minimal and limited. However, as indicated in the negative declaration, it is not possible to predict future city council actions. Should San Martin incorporate and future councils promote urbanization of the area, it will be important for the new city's boundaries to have been established in locations that allow LAFCO to carry out its state mandates.

Staff recommends the Council request LAFCO to not adopt the negative declaration until such time as the sphere of influence, urban service area and city limits for the proposed city have been determined. Once those boundaries have been determined, the environmental assessment should be amended to address their consistency with LAFCO and other agency policies.



## County of Santa Clara

### Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



December 4, 2007

Local Agency Formation Commission of Santa Clara County (LAFCO)  
Attention: Neelima Palacherla, Executive Officer  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

**SUBJECT: Proposed Incorporation of the Town of San Martin: Initial Study and Proposed Negative Declaration**

Dear Ms. Palacherla:

The County Parks and Recreation Department ("Parks Department") appreciates the opportunity to review and submit comments on the Initial Study and Negative Declaration (IS/ND) for the Proposed San Martin Incorporation project. The Parks Department submits the following comments for consideration by LAFCO.

**SECTION 2.0 PROJECT DESCRIPTION**  
**Proposed Boundaries of the Incorporation (Page 4)**

The current project boundaries, as proposed for the Town of San Martin's incorporation, includes lands located within the western portion of Coyote Lake-Harvey Bear Ranch County Park, which is inconsistent with LAFCO's Incorporation Policies (adopted May 30, 2007) that discourages inclusion of agricultural and open space lands within the boundaries of a proposed city. The 4,595-acre Coyote Lake-Harvey Bear Ranch County Park is owned and operated by the Parks Department, where lands including Coyote Lake and contiguous to the lake are also under the jurisdiction of the Santa Clara Valley Water District.

The Parks Department understands that LAFCO is required to consider alternative project boundaries and has the authority to modify boundaries as part of the LAFCO incorporation process. As previously discussed with LAFCO staff in July 2007, we recommended that LAFCO modify the proposed incorporation boundaries to exclude the proposed 253-acre portion of Coyote Lake-Harvey Bear Ranch County Park. The Parks Department would be available for agency consultation to assist with LAFCO staff's development of alternative boundary recommendations for the staff report to the Commission.

It should be noted that by submitting the following comments, the Parks Department does not endorse the applicant's current project boundaries. We recognize that the project's boundary issue is not considered an environmental effect of the proposed incorporation and that the IS/ND



Board of Supervisors: Donald F. Gage, Blanca Alvarado, Peter McHugh, Ken Yeager, Liz Kniss  
County Executive: Peter Kutrass, Jr.

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discusses the San Martin Neighborhood Alliance, Inc.'s proposed project boundaries, as required by the LAFCO incorporation process and CEQA guidelines.

#### **TABLE 2.1 CURRENT AND PROPOSED SERVICE PROVIDERS TO SAN MARTIN**

Under Table 2.1, the City is identified as assuming responsibility for "Parks and Recreation," which would supplant the County's responsibilities for this area. However, this designation is inconsistent with the discussion under the Public Services section, where the IS/ND discusses the County's continual role and responsibility with the ownership and operation of Coyote Lake-Harvey Bear Ranch County Park. Additionally, there is minimal discussion related to the Town of San Martin's provision of local park and recreation services. Thus additional clarification is needed to support the City's responsibility in this area. The Parks Department also recommends that Table 2.1 be updated to be consistent with the IS/ND's discussions on parks and recreation services on page 61.

#### **LAND USE**

##### **Santa Clara County Land Use Designations (Page 53)**

Under the County general plan and planning policies discussions related to regional parks and trails, LAFCO should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation Section of the County General Plan, that the Board of Supervisors adopted on November 14, 1995. In addition, the Board approved the *Coyote Lake-Harvey Bear Ranch County Park Master Plan* and *Natural Resources Management Plan* on January 27, 2004, which outlines the future park development and resource management goals for the County park facility. These planning documents should be included as related planning policies for the Town of San Martin's consideration.

#### **PUBLIC SERVICES**

##### **Law Enforcement (Page 61)**

The Town of San Martin should consider the existing contractual agreements between the County Parks Department and the County Sheriff's Office for addressing law enforcement within the interface areas between Coyote Lake-Harvey Bear Ranch County Park and the residential areas located along Foothill Avenue, San Martin Avenue, and New Avenue.

##### **Parks and Recreation (Page 61)**

The Initial Study states, "[a]fter incorporation, it is expected that the new City will be responsible for park and recreation services." There is minimal discussion on the future needs and provisions for local parks and recreation services for the new City's residents. Therefore, there would be an expectation that the City residents would seek local park and recreation-serving facilities and programs within the adjacent Coyote Lake-Harvey Bear Ranch County Park.

Under impact discussion (c) on page 64, the IS/ND does not adequately discuss the potential environmental impacts to Coyote Lake-Harvey Bear Ranch County Park as related to the population of approximately 6,900 residents likely using the nearby park's trails, staging areas, interpretive and recreational programs and other facilities.



Under impact discussion (e) on page 64, the IS/ND does not address the residents' desires to use improved trail facilities within their City as a form of alternative transportation, which would result in an increased need for and use of the countywide trail system. The discussion should acknowledge the planned countywide trail network within the project area as future recreational opportunities for the City's implementation, operations and maintenance.

Although the discussion acknowledges the existing Coyote Lake-Harvey Bear Ranch County Park facility, the IS/ND does not acknowledge the future planned recreational uses that will be developed within the West Flat area of this County Park. As identified in the Board-approved Master Plan, the IS/ND should acknowledge the Parks Department's future goals for developing a golf course facility, events center, off-leash dog park, day use areas, staging areas and other programmed uses within the West Flat Area of the County Park. The IS/ND should discuss how this incorporation would potentially affect the future development of this County Park in accordance with the Board-approved planning policies.

A number of regional, sub-regional and connector trail routes identified in the *Countywide Trails Master Plan Update* (November, 1995) are located within the areas proposed for incorporation. Under the Park Setting discussion on page 63, two additional proposed trail routes, that are identified within road right-of-way and/or private property, should be included as part of the countywide trail system within the project area:

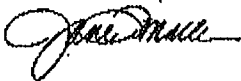
- **R1-A (bike)** - Juan Bautista de Anza National Historic Trail Northern Bicycle Retracement Route (Regional Trail Route)
- **S6** - West Valley Sub-Regional Trail Route

In addition, there should be additional clarification regarding the proposed **San Martin Cross Valley Sub-Regional Trail Route (S8)**. The IS/ND should distinguish segments of the proposed trail route that are located within private property and would be considered for dedication when the landowner is a willing participant versus segments of the proposed trail route that is located within road right-of-way. Future development potential for properties located adjacent to the proposed countywide trail routes should take into consideration trail dedication(s) as part of the new City's implementation of the *Countywide Trails Master Plan Update* policies.

The IS/ND should also include a discussion of related impacts associated with the new City's responsibilities for implementation of these countywide trail routes within the proposed incorporation area under Public Services (page 61).

If you have any questions, please contact me at (408) 355-2237 or at [jane.mark@prk.sccgov.org](mailto:jane.mark@prk.sccgov.org).

Sincerely,



Jane F. Mark, AICP  
Senior Planner

Attachment: County Parks Director's Letter to LAFCO (July 16, 2007)



Board of Supervisors: Donald F. Gage, Blanca Alvarado, Peter McHugh, Ken Yeager, Liz Kniss  
County Executive: Peter Kutas, Jr.

Page 3 of 4

C:

Lisa Killough, Director  
Julie Mark, Deputy Director of Administration  
Jim O'Connor, Deputy Director of Operations and Maintenance  
Rachael Gibson, Policy Aide to Supervisor Don Gage,  
District One Office of Board of Supervisors





# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE [conservation.ca.gov](http://conservation.ca.gov)

TO: **VIA FACSIMILE (408) 295-1613**

Dunia Noel  
Santa Clara County LAFCO  
70 West Hedding Street  
11th Floor, East Wing  
San Jose, CA 95110

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FROM: Dennis J. O'Bryant, Program Manager  
Department of Conservation

DATE: December 4, 2007

SUBJECT: TOWN OF SAN MARTIN INCORPORATION NEGATIVE DECLARATION  
(SANTA CLARA COUNTY) **SCH# 2007112017**

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The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Negative Declaration (ND) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs.

### Project Description

The purpose of the project is the incorporation of a new city to be called the Town of San Martin. The project site is located in southern Santa Clara County (County), between the cities of Morgan Hill and Gilroy. Within the proposed incorporation boundaries, there are currently 187 properties (approximately 2,200 acres) under Williamson Act contracts. The County has filed and recorded notices of non-renewal on 126 of the 187 contracts (set to expire in 2016 – 2017), as these properties did not meet the minimum acreage requirement and/or the requirement for having a commercial agricultural operation on the property. The Town of San Martin will succeed to these contracts as well as the remaining 61 properties that will remain under contract. Assuming the incorporation is successful, the new city would administer the contracts under the existing county ordinance, unless and until it adopts its own Williamson Act ordinance. The ND has determined that the project will have no impacts on agricultural resources and a less than significant impact in regards to any changes in the existing

Ms. Dunia Noel  
December 4, 2007  
Page 2

environment, which could result in the conversion of Farmland to non-agricultural use. As such, the Department has no further comment on this project.

Thank you for the opportunity to comment on this ND. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0869.

cc: State Clearinghouse



December 4, 2007

LAFCO  
70 West Hedding Street, 11<sup>th</sup> floor  
San Jose, CA 95110

Attention: Neelima Palacherla

Subject: San Martin Incorporation

Dear Mr. Palacherla:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Negative Declaration for incorporation of San Martin. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to be 'R Molseed', is written over a faint circular stamp.

Roy Molseed  
Senior Environmental Planner

RM:kh

# County of Santa Clara

Department of Planning and Development  
Planning Office

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December 5, 2007

Neelima Palacherla  
Local Agency Formation Commission of Santa Clara County (LAFCO)  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

**Subject: Comments on the Negative Declaration for the San Martin Incorporation.**

Dear Mrs. Palacherla:

The Santa Clara County Planning Office has received and reviewed the aforementioned Negative Declaration and has the following comments.

**Reference and Incorporation of Mitigation Measures from the County General Plan EIR** – The Initial Study consistently references the County General Plan and Zoning Ordinance and states that the County's policies and land use regulations will be adopted by the Town upon incorporation. In evaluating potential environmental impacts (direct and reasonably foreseeable) which would result from Incorporation, reliance on existing the existing General Plan and Zoning Ordinance is a logical basis for concluding that the this action will not result in any reasonably foreseeable significant environmental impacts.

However, if the existing applicable General Plan policies and land use designations will be adopted by the Town as a result of the Incorporation, the Initial Study needs to better reference the County General Plan EIR for CEQA clearance. Specifically, the Initial Study should reference and incorporate mitigation measures from the General Plan Program EIR which address areas such as the conversion of Prime Farmland and other categories (Noise, Hydrology). The General Plan EIR has specific mitigation measures which address future development which is consistent with the General Plan.

**Greenhouse Gas Emissions / Global Warming** – Although this is not anticipated to be a significant impact, the CEQA document could benefit from a discussion of this topic. Pursuant to adoption of AB 32 and SB 97, this should be considered within CEQA documents.

**Hydrology** - Page 48 of the document references Appendix C. As this appendix does not exist within the County General Plan, please clarify.



**Hazards** - It should be noted that the new South County Airport Master Plan is in Draft form, and will not be formally adopted until at least early 2009

The County Planning Office appreciates the opportunity to review and comment on the CEQA document for the San Martin Incorporation. We look forward to receiving and reviewing any additional notices or CEQA documents with respect to this proposal.

Should you have any questions, please feel free to contact me at (408) 299-5792.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Eastwood', written over a horizontal line.

Rob Eastwood  
Senior Planner

Cc: Sylvia Gallegos, County Executive  
Val Alexeeff  
Bill Shoe



LAFCO of Santa Clara County  
70 West Hedding Street, 11th Floor, East Wing  
San Jose, CA 95110

February 6, 2008

Dear Commissioners:

Greenbelt Alliance believes that the San Martin Neighborhood Alliance has the purest of intentions when it comes to incorporating in order to maintain their community's rural character. Greenbelt Alliance also recognizes that CEQA can not speculate on what a future San Martin City Council may do, although it is foreseeable that future San Martin Councils will have to deal with significant development pressure due to the community's location along Highway 101 and Caltrain.

One thing that Greenbelt Alliance does trust, however, is that as LAFCO Commissioners, you take seriously your important role in encouraging orderly growth, preserving agricultural lands and discouraging urban sprawl.

Greenbelt Alliance supports LAFCO staff's modifications to the proposed boundaries for San Martin. All of the valley floor in between Morgan Hill and Gilroy could be included within San Martin's Sphere of Influence, but working farms and greenbelt lands on the edge of this rural community do not need to be placed within city limits. This is in keeping with the community's intention to preserve the area's rural charm and to not provide urban services.

The bus tour reinforced Greenbelt Alliance's position that a smaller boundary line should be accepted for San Martin. Oftentimes, the statement that 'farming is no longer viable' is used to justify why land should be annexed. How much farmland must disappear before we recognize the value of locally grown fresh produce? Open space lands also operate as community separators, giving South Santa Clara County a breath of fresh air compared to North County. However, what needs to be emphasized is that allowing expansive boundaries for San Martin would achieve the opposite of what LAFCO is charged with monitoring. The efficient use of land is extremely important as our state faces a booming population, climate change and the premature conversion of farmlands. Greenbelt Alliance is looking to the Commission to provide visionary leadership on these issues.

Again, Greenbelt Alliance supports staff's recommendations, and in particular supports the exclusion of areas 1, 4, 5 and 6 from the proposed town's boundaries.

Sincerely,

Michele Beasley  
South Bay Field Representative

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